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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JANELL WINFIELD, TRACEY STEWART  
and SHAUNA NOEL,

Plaintiffs,

-against-

Civil Action No.:  
15-CV-5236 (LTS) (KHP)

CITY OF NEW YORK,

Defendant.

-----x

April 10, 2018

9:20 a.m.

VIDEOTAPED DEPOSITION of VICKI BEEN, held  
at the law offices of the Anti-Discrimination  
Center, located at 1745 Broadway, New York, New  
York 10019, before Anthony Giarro, a Registered  
Professional Reporter and a Notary Public of the  
State of New York.

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VICKI BEEN

at you and say, Well, what do you mean by that?

But if you ask people, would you like a more economically, racially ethnically diverse community? Then I think there is support for that. I think there is a lot of support for that.

Q So getting community support for that is not difficult?

A No. I don't think it's -- I mean, does everybody support it? No. But is it difficult? No. I don't think so.

Q Did you come to understand during your tenure as HPD commissioner that there are parts of the city where opposition to racial or ethnic integration is particularly high?

MS. SADOK: Objection.

A I think that opposition to racial, ethnic, religious integration in some parts of Brooklyn that are heavily occupied by the Jewish community is sometimes difficult.

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VICKI BEEN

would have similar demographics is what  
you're saying?

MS. SADOK: Objection.

A No. The radius idea was  
rejected primarily because it's a  
nightmare to administer. People don't  
understand it, people can't rely on it,  
you know, et cetera. So it doesn't help  
with the fear of displacement. If you  
can't figure out, are you going to be in  
the circle or not; right? So that was  
rejected for those reasons.

I don't recall the  
specifics. But I think that when we  
combined different community districts,  
we did not find that you were seen much  
racial -- that you were seeing sufficient  
racial difference to make it worth the  
effort.

Q Did you explore the  
alternative of selecting a district or  
districts in addition to the district in  
which the housing was located, such that  
there would be a significant change in

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VICKI BEEN

the overall racial balance, even if that meant going to noncontiguous community districts?

MS. SADOK: Objection.

A Yes. We did consider noncontiguous community districts. I don't recall the details. But I do recall we considered noncontiguous.

Q Just in the way New York is organized, surely sometimes you can come up with a community district compensation -- you can come up with a set of community districts where the combined demographics are very different from the demographics of the community district in which the project is located; isn't that right?

MS. SADOK: Objection.

A Yes.

Q So why was that approach rejected?

MS. SADOK: Objection. I don't know that it's on the record of whether or not that was considered or

1 VICKI BEEN

2 rejected.

3 A It was considered, it was  
4 rejected. To the best of my  
5 recollection, it was rejected primarily  
6 because in order to reduce the political  
7 salience of displacement, try to assuage  
8 people's concerns about displacement,  
9 they need to be able to see what the  
10 preference is going to be. So if we were  
11 constructing it for each project, that  
12 wouldn't satisfy those objectives.

13 Q I want to ask you something  
14 about that. But first, I want to find  
15 out because you said primarily.

16 What were the other reasons,  
17 if any?

18 A I don't recall all the  
19 different reasons. I recall the main  
20 reason. We had many discussions about  
21 many different options. And I don't  
22 recall every single reason.

23 Q I'm going to ask you about  
24 this particular option. And if the  
25 answer is different for the different

1 VICKI BEEN

2 Q Why wouldn't it be possible  
3 since projects are announced on a  
4 case-by-case basis to make a decision,  
5 okay, this development is going to be in  
6 a highly African American but much less  
7 Latino and white community district to  
8 find those demographically compensatory  
9 districts; you with me so far?

10 A I think so.

11 Q And then be able to present  
12 it to the public in the very same way  
13 that you do now. There's going to be --  
14 you can feel better about displacement,  
15 this project is going to help people in  
16 these three community districts who may  
17 feel at risk of displacement.

18 MS. SADOK: Objection.

19 A I mean, one of the criteria  
20 that we use that I think is critically  
21 important is that any system be both  
22 objective and predictable and perceived  
23 as objective and predictable. And  
24 anytime we start --

25 Q Tinkering?

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VICKI BEEN

A -- jerrymandering or tinkering or that kind of thing, people think that's just a political decision, they're protecting this person, they're protecting -- you know, they're jerrymandering; right? And that concerned us.

Q But isn't a principal basis of the policy a political judgment as to how to get support? Doesn't that leave hundreds of thousands of people who applied out of community district with the impression they're being left behind because the politics of New York City demand that they be left behind?

MS. SADOK: Objection.

A I don't know what's in the minds of other people. I have not heard that expressed.

Q We had this discussion last time. You were just a moment ago when you were justifying the rejection of an alternative relying on what you believed people would perceive.

1 VICKI BEEN

2 So clearly, you may not know  
3 what's in the mind of others, but you try  
4 to figure out what the perception of  
5 others is, don't you?

6 A Mm-hmm.

7 Q So what about the perception  
8 of New Yorkers -- whether or not it's  
9 been expressed to you or not -- that  
10 people are being disadvantaged by a  
11 political judgment of who gets  
12 preference?

13 MS. SADOK: Objection.

14 A I don't think that that's  
15 the way people think about the Community  
16 Preference.

17 MS. SADOK: Can we take a  
18 quick one last break? I know we're  
19 getting close to the end.

20 MR. GURIAN: Okay.

21 THE VIDEOGRAPHER: The time  
22 is 1653. We are off the record.

23 (A short recess was taken.)

24 THE VIDEOGRAPHER: The time  
25 is 1658. We are on the record.



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2 STATE OF NEW YORK )  
3 ) ss  
4 COUNTY OF NEW YORK )  
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7 I, VICKI BEEN, the witness  
8 herein, having read the foregoing  
9 testimony of the pages of this deposition,  
10 do hereby certify it to be a true and  
11 correct transcript, subject to the  
12 corrections, if any, shown on the attached  
13 page.  
14

15 *Vicki Been*

16 VICKI BEEN  
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20 Sworn and subscribed to before me,  
21 this 25<sup>th</sup> day of May, 2018.  
22

23 *Kristin E. Silberman*

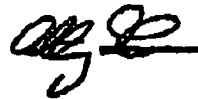
24 Notary Public  
25

KRISTIN E. SILBERMAN  
NOTARY PUBLIC STATE OF NEW YORK  
NEW YORK COUNTY  
LIC. #0158137116  
COMM. EXP. 2/24/22

C E R T I F I C A T I O N

I, ANTHONY GIARRO, a Shorthand Reporter  
and a Notary Public, do hereby certify that the  
foregoing witness, VICKI BEEN, was duly sworn on  
the date indicated, and that the foregoing, to  
the best of my ability, is a true and accurate  
transcription of my stenographic notes.

I further certify that I am not employed  
by nor related to any party to this action.



ANTHONY GIARRO